

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Loretta S. Broshears on 2/22/08.

The application has been amended as follows:

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In the Specification:

Please insert before the first paragraph:

This application claims the benefit of priority to U.S. Provisional Application No. 60/242,993 filed October 23, 2000.

The claims have been amended as follows:

Claim 1. (Cancelled)

Claim 2. (New) A method of alerting a care giver before a tracheotomy tube is expelled comprising:

- providing a tracheotomy tube;
- positioning within the interior lumen of said tracheotomy tube an alert system, wherein the alert system includes a temperature controlled sensor for sensing the temperature of the interior or exterior of said tracheotomy tube and an alerting device for providing an audible alarm;
- inserting the tracheotomy tube within a patient's trachea;
- subjecting said temperature controlled sensor to the normal body temperature of the patient;

detecting a corresponding drop in body temperature due to said tracheotomy tube being too far out of the patient's stoma;
triggering said alerting device and generating a high pitched audible alarm.

In the specification:

In line 18 on page 2, "car givers" was replaced with --care givers--.

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2. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or fairly suggest a method of alerting a care giver when a tracheotomy tube is working its way out of a patent's stoma. The prior art does not disclose or fairly suggest placing an alert system having a temperature controlled sensor and an alerting device capable of delivering a high pitched audible alarm within the interior lumen of a tracheotomy tube.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN ML FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. F./
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736